IN THE HIGH COURT OF GUJARAT AT AHMEDABAD

CRIMINAL MISC.APPLICATION No 2084 of 2002

For Approval and Signature:

Hon'ble MR.JUSTICE A.M.KAPADIA

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1. Whether Reporters of Local Papers may be allowed to see the judgements? : NO

2. To be referred to the Reporter or not? : NO

3. Whether Their Lordships wish to see the fair copy of the judgement? : NO

4. Whether this case involves a substantial question of law as to the interpretation of the Constitution of India, 1950 of any Order made thereunder? : NO

5. Whether it is to be circulated to the Civil Judge? : NO

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DINESHKUMAR ALIAS DILIPBHAI DEVSHIBHAI PARMAR

Versus

BHAVNABEN DINESHKUMAR PARMAR

Appearance:

1. Criminal Misc.Application No. 2084 of 2002

HL PATEL ADVOCATES for Petitioner No. 1

MR DC SEJPAL for Respondent No. 1

MR RC SEJPAL for Respondent No. 1

MR K.C.SHAH, APP for Respondent No. 2

CORAM : MR.JUSTICE A.M.KAPADIA

Date of decision: 25/06/2002

ORAL JUDGEMENT

Rule. Mr. D.C.Sejpal, learned advocate appears and waives service of notice of rule on behalf of

respondent No.1 whereas Mr. K.C.Shah, learned APP appears and waives service of notice of rule on behalf of respondent No.2 State of Gujarat.

2. By means of filing this petition under Section 482 of the Code of Criminal Procedure ('the Code' for short), petitioner against whom F.I.R. is registered at Rajula Police Station vide CR No. I-27 of 2002 for commission of the alleged offences under Sections 363, 366 and 114 of IPC on the basis of the complaint filed by respondent No.1, has prayed to quash the said complaint, on the grounds stated in the memo of the petition.

3. Mr. Vijay Patel, learned advocate for HL Patel Advocates for the petitioner and Mr. DC Sejpal, learned advocate for respondent No.1 jointly submitted that parties herein, who are the husband and wife have settled the matter amicably outside the Court and, the terms and conditions of the settlement have been put in writing and in token thereof they have put in their signatures before the Notary. They, therefore requested that the compromise pursis may be retained on record of this case and appropriate order may be passed in terms of Clause 4 of the settlement and thereby Criminal Case No. 27 of 2002 registered with Rajula Police Station, filed by respondent No.1 against the petitioner may be quashed and this petition may be disposed of accordingly.

4. Mr. K.C.Shah, learned APP for respondent No.1 has no objection if appropriate order in view of the settlement arrived at between the parties may be passed.

5. In view of the settlement arrived at between the parties, since the parties have decided to stay together, the Criminal complaint filed by respondent No.2 against the petitioner, registered with Rajula Police Station vide CR No. I27 of 2002 which is at Annexure-A to the petition, is hereby quashed and all further proceedings pursuant to the recording of said complaint shall also stand quashed without entering into the merits of the case. The petition stand disposed of accordingly. Rule is made absolute.

The compromise pursis shall be retained on record of this case.

(A.M.Kapadia,J)

Jayanti*